



BOARD OF SUPERVISORS COUNTY OF INYO

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California Water Commission
P.O. Box 942836
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Dear Commissioners:

This letter concerns the County of Inyo's request to modify the boundaries of the Owens Valley Groundwater Basin (6-12). At your July 21, 2016 meeting, there is a briefing on the agenda concerning the Department of Water Resources (DWR) draft recommendations for basin boundary modifications. DWR has recommended that Inyo County's request be "*denied, with modifications.*" We are disappointed with DWR's recommendation concerning our request.

The core principle of the Sustainable Groundwater Management Act (SGMA) is that local agencies manage groundwater using authorities afforded by SGMA. One of the tools that SGMA provides is an opportunity for local agencies to request modifications to groundwater basin boundaries. This provision of SGMA is aimed at giving local agencies an opportunity to design basin boundaries that best support local agencies efforts to achieve and maintain sustainable groundwater management. In developing our request, Inyo County worked closely with the Tri Valley Groundwater Management District and Mono County, the other two local agencies with jurisdictions affected by the proposed boundary revision, and formal resolutions of support by all three of those agencies were submitted as part of our request. This strong cooperation and consensus among local agencies should not be disregarded. Additionally, we conducted extensive public outreach at Inyo and Mono County locations, including three public workshops to disseminate information on SGMA and this request and get feedback from the public. The requested boundary modification was also discussed at eleven meetings conducted under the Brown Act, including meetings on the Inyo County Board of Supervisors, Mono County Board of Supervisors, Tri Valley Groundwater Management District, and the Inyo County Water Commission. Agendas, minutes, and staff reports from these meetings and workshops were included in the material submitted to DWR in support of Inyo County's request, and are available for review on the DWR Basin Boundary Request web site.

Inyo County requested a scientific internal boundary revision that would subdivide the Owens Valley Groundwater Basin (Basin) into two subbasins. The basis of this request was that a groundwater flow barrier exists that impedes flow from one of the proposed subbasins to the other. We relied on existing studies by the US Geological Survey, California Department of Fish and Game (Wildlife), and others to provide evidence of an impediment to groundwater flow between the two proposed subbasins. The principal lines of scientific evidence justifying the County's request were the following:

1. Geophysical evidence indicates the presence of a bedrock barrier between the proposed Tri Valley Subbasin (TVSB) and the proposed Owens Valley Subbasin (OVSB) that impedes groundwater and deflects most groundwater flow west along faults where it discharges at Fish Slough. The evidence is geophysical (a gravity anomaly), geological (the presence of earthquake faults that impede and deflect groundwater flow, and hydrological (groundwater discharge at Fish Slough).

2. The USGS developed a regional groundwater flow model for Owens Valley. Calibration of this model estimated groundwater flow from the TVSB to the OVSB to be 1,665 AFY, with an additional 210 AFY of underflow from the Volcanic Tablelands into the OVSB. These results indicate that flow between the two proposed subbasins is a minor component (less than two percent) of the regional groundwater flow, consistent with the presence of a subsurface feature that impedes groundwater flow from the TVSB to the OVSB. Moreover, the northern boundary of the USGS regional flow model corresponds to the requested basin subdivision, i.e., the USGS's model design recognized that the location of the proposed basin subdivision is a natural groundwater boundary.
3. Hydrographs from the TVSB and OVSB indicate a contrast between groundwater level patterns over time in the two subbasins. This reflects different groundwater stressors in the TVSB and OVSB, consistent with the presence of a groundwater flow barrier between the proposed subbasins.
4. Previous studies of the area have treated the water budgets TVSB and OVSB. This request for a basin subdivision between the two subbasins is consistent with the customary prior hydrogeologic practice of treating the basins as separate water budget units.

Moreover, the County's request is fully consistent with the DWR Bulletin 118 definition of a groundwater subbasin and subbasin boundaries elsewhere in California. Within the Owens Valley Groundwater Basin, SGMA recognizes a special act district, the Tri Valley Groundwater Management District, as the exclusive local agency for SGMA compliance (CWC 10723(c)(H)). Within the Owens Valley portion of the basin, SGMA recognizes certain portions of the basin as adjudicated (CWC 10720.8(c)). The requested subbasin delineation corresponds to the boundary between these two distinct institutional settings. As defined in DWR Bulletin 118, a groundwater subbasin "*is created by dividing a groundwater basin into smaller units using geologic and hydrologic barriers, or more commonly institutional boundaries*" and "*Institutional subbasin boundaries could be based on a political boundary, such as a county line or a water agency service area, or a legally mandated boundary such as a court adjudicated basin.*" In the material submitted to support the County's request, we noted that the requested change had the dual merits of having both a sound hydrogeologic basis and the expedience of separating local agency jurisdictions. There is far more hydrogeologic support for the County's request than many of the existing subbasin boundaries present in the San Joaquin and Sacramento valleys. The partial groundwater flow barrier between the TVSB and the OVSB, the subsurface conduit from the TVSB into the Fish Slough subbasin, and the institutional boundary between the special act district in Mono County and the adjudicated area in Inyo County clearly meet the criteria for defining a subbasin.

DWR's recommendation that the County's request be "*denied, with modifications*" includes a recommendation to add a Fish Slough Subbasin to the Owens Valley Groundwater Basin. Inyo County recognizes the importance of groundwater dependent habitat at Fish Slough and has no objection to this recommendation; however, we are concerned that denial of the County's request to establish separate Tri Valley and Owens Valley subbasins will diminish the emphasis that Fish Slough will receive in future groundwater sustainability planning. The County's requested establishment of subbasins will require clear analysis of the respective effects of pumping in each subbasin on the Fish Slough subbasin.

It is Inyo County's hope that in the future, as we all move forward in our respective roles and duties under SGMA, there will be a collaborative and supportive dialogue between State entities fulfilling their role as facilitator and enforcer of SGMA, and local agencies fulfilling their role as implementers of SGMA. In the spirit of SGMA, denial of a boundary modification request from a local agency should be based on compelling evidence that the request would obstruct sustainable groundwater management. No analysis or information to support DWR's denial has been provided to us, and it is disheartening for a local agency to produce the extensive material required by State regulations, only to receive an unsupported denial. In the interest of an enhanced dialogue, the Inyo County Water Department will be submitting a more extensive discussion of the County's perspective on this boundary revision request. Should your staff have any questions concerning Inyo County's request, they should contact Bob Harrington, Inyo County Water Director, (760) 878-0001, bharrington@inyocounty.us. We hope that through an open dialogue and exchange of information that prior to

the California Water Commission's consideration of final basin boundary recommendations on September 21, that DWR's recommendation will be revised to recommend approval of our request. Thank you for consideration of these comments.

Sincerely,



Jeff Griffiths, Chair
County of Inyo Board of Supervisors

Cc: Board of Directors, Tri Valley Groundwater Management District
County of Mono Board of Supervisors
Inyo County Water Commission
Leslie Chapman, Mono CAO
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